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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,518	12/12/2003	Frederic Meylan	Q78888	1626
23373	7590	01/25/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HAGINS, SAMUEL L	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,518

Applicant(s)

MEYLAN, FREDERIC

Examiner

Samuel L. Hagins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,7,8 and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Terasawa (6418086).

Regarding Claim 1 Terasawa teaches a case (fig.1 #2, #3) which contains an electronic watch movement and an electric battery assembly including at least one battery (fig.1#7) or at least one accumulator, the case having a circular bottom opening which allows the battery assembly to be inserted and removed and which is closed in a water-resistant manner (column 5 line 44-49) by a removable cover (fig.3a#12) provided with bayonet fitting means (fig.3a#13), said cover including a plate (fig.4c#16), which covers one or more housings for the battery assembly and forms at least a part of a back cover of the case, and a substantially cylindrical annular portion (fig.4c #13,13w) which extends perpendicularly to said plate and fits into said opening, said annular portion carrying at least two locking members (fig.4c #19) forming part of the bayonet fitting

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means, wherein a support(fig.3a#11s) fixedly mounted in the case extends at least partially facing said opening. And wherein said locking members of the cover (fig.3a#19) extends towards the interior of said annular portion of the cover and catch on shoulders of said support.

Regarding Claim 2 Terasawa teaches an annular sealing gasket (fig.1#18) is arranged around said annular portion of the cover (fig.3b#12) and, when the cover is secured to the case (fig.1#2), is applied radially against a circular surface (fig.3a#16) forming the periphery of said opening.

Regarding Claim 3 Terasawa teaches a circular surface (fig.3a#16) is substantially cylindrical and said opening includes a flared entry to ensure radial compression of the sealing gasket (fig.5#18) when the cover is being set in place.

Regarding Claim 4 and 8 Terasawa discusses in fig.3b #13 a washer arranged and secured to the top of said annular portion of the cover (column 5 line 58-65).

Regarding Claim 7 Terasawa teaches a fixed support is provided with one or more housings for the electric battery assembly (fig.1#7h).

Regarding Claim 10 Terasawa teaches wherein the cover forms the entire back cover of the case (fig.1#2,3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa (6418086).

Regarding Claim 5 Terasawa does not teach the electric battery assembly has a non-circular shape in plane and said shoulders are located between the battery assembly and a circle circumscribed around said non-circular shape. However it is well know in the art that non-circular shape watch cases, such as rectangular, have been used extensively. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use a non-circular shaped watch case in Terasawa as alternative to the circular type to provide a different aesthetic effect.

Claims 6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa (6418086) in view of Stevens (4796240).

Regarding Claim 6 Terasawa teaches all of the claimed invention as explained above, with respect to claim 5 except an electric battery assembly includes at least two batteries or accumulators.

Stevens discloses the electric battery assembly includes at least two batteries or accumulators (fig.3 #23). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use two batteries in order to increase the running time of a watch.

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Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa (6418086) in view of Mignot et al (6219304).

Regarding Claim 9 Terasawa teaches all of the claimed invention as explained above, with respect to claims 8, except an electro-acoustic transducer is arranged on an inner face of the cover and powered via at least one conductor arranged in said support.

Mignot discloses an electro-acoustic transducer is arranged on an inner face of the cover of a time piece and powered via at least one conductor arranged in said support (column 1 line 51-54). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the electro-acoustic transducer of Mignot in the timepiece of Terasawa as another means to provide an alarm for a watch.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa (6418086).

Regarding Claim 11 Terasawa teaches all of the claimed invention as explained above, with respect to claim 1, except a gripping means is arranged on a peripheral portion of the cover so as to allow a user to maneuver the cover manually without any specific tools. Gripping means are well known in devices which are manually actuated, for example knobs. At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide a gripping means for the watch of Terasawa in order for you to be able to turn it manually.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel L. Hagins whose telephone number is (571) 272-5982. The examiner can normally be reached on Mondays - Fridays, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLH



Vit Miska
Primary Examiner